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The following constitutes the order of the Court.  
Signed: June 21, 2023

A handwritten signature in black ink, reading "William J. Lafferty, III", is written over a horizontal line.

Attorney for Creditor Pennsylvania Lumberman's  
Mutual Insurance Company

William J. Lafferty, III  
U.S. Bankruptcy Judge

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

In re

ERICKSEN, ARBUTHNOT, KILDUFF, DAY  
& LINDSTROM, INC.

Debtor.

Case No. 23-40134 WJL 11

**STIPULATED ORDER GRANTING  
MOTION TO ALLOW FILING OF  
LATE PROOF OF CLAIM**

**Date:** June 14, 2023  
**Time:** 10:30 a.m.  
**Place:** In-Person or Zoom  
Webinar/AT&T Teleconference  
1300 Clay Street,  
Courtroom 220  
Oakland, CA 94612

**Judge:** Hon. William J. Lafferty, III

The *Motion to Allow Filing of Late Proof of Claim* (the "Motion") filed by creditor Pennsylvania Lumberman's Mutual Insurance Company ("PLMIC") came before the Court for a regularly scheduled hearing at the above date and time. Appearances were noted on the record. Notice and service being proper, good cause appearing, the Court GRANTS the Motion.

IT IS HEREBY ORDERED that:

1. The Motion is GRANTED.
2. PLMIC may file its proof claim attached as **Exhibit 1** to the Declaration of

1 Matthew D. Metzger filed in support of the Motion.

2         3. As confirmed by the Debtor's approval, by and through counsel, of the instant  
3 order hereinbelow, the Debtor agrees and hereby stipulates that PLMIC's filing of the proof of  
4 claim does not waive PLMIC's jury trial rights on the noncore action and PLMIC's jurisdictional  
5 right to try the matter in Santa Clara County Superior Court.

6         4. In the Debtor's Plan for Reorganization for Small Business Under Chapter 11 (the  
7 "Plan"), the Debtor and PLMIC (collectively, the "Parties") further stipulate that PLMIC's claim  
8 may continue to be classified within Class 3A notwithstanding the fact that the Parties have agreed  
9 to separate treatment of PLMIC's claim. This treatment does not cause any prejudice to the estate,  
10 as confirmed by the stipulated language to which the Parties have agreed, subject to Court  
11 approval,

12         5. In any order confirming the Debtor's Plan, the following language shall be  
13 included. The claims of Pennsylvania Lumberman's Mutual Insurance Company ("PLMIC") shall  
14 be treated as follows:

15                 Notwithstanding any other provision of the Plan or this Order, the following  
16 provision shall govern the treatment of all PLMIC claims. PLMIC shall have an  
17 allowed general unsecured claim against the Debtor in Class 3A in the amount of  
18 \$3,000,000.00, plus prejudgment interest (the "PLMIC Claim"). Under no  
19 circumstances shall PLMIC or the PLMIC Claim be entitled to any distributions  
20 from the Debtor or its estate and PLMIC shall not be entitled to assert other claims  
21 against the Debtor or its estate. After the Effective Date, PLMIC shall be entitled to  
22 liquidate the PLMIC Claim and recover against the proceeds of Debtor's applicable  
23 insurance coverage (if any), and no provision of the Plan or this Order shall enjoin  
24 or limit PLMIC's right to prosecute pending litigation against the Debtor to  
25 liquidate the PLMIC Claim and receive payment from insurance proceeds (if any).

26  
27 // SIGNATURES FOLLOW ON NEXT PAGE //

1 **APPROVED AS TO FORM AND CONTENT:**

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3 DATED: June 14, 2023

**BAKER & HOSTETLER LLP**

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By: /s/ Andrew V. Layden  
Andrew V. Layden  
Attorneys for Ericksen, Arbuthnot, Kilduff, Day &  
Lindstrom, Inc.

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8 DATED: June 14, 2023

**BELVEDERE LEGAL, PC**

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By: /s/ Matthew D. Metzger  
Matthew D. Metzger  
Attorney for Creditor Pennsylvania Lumberman's  
Mutual Insurance Company

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**\*\*\* END OF ORDER \*\*\***

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